

III. REMARKS

Claim Status

Claims 1-6 and 8-25 are in the case. Claims 1, 3-6, 8-12 and 24 have been amended; claims 2 and 14-23 have been cancelled, claims 7 and 25-36 are newly presented.

Election/Restrictions

The examiner has required restriction under 35 U.S.C. 121 and 372, stating that the application contains inventions or groups of inventions are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The examiner has listed 2 groups of claims:

Group I, claim 2 and claims 1, 3-6, 8-24 reading on X is methylene, drawn to compounds, composition of formula I wherein X is CO.

Group II, claims 1, 3-6, 8-24 when X is CH₂, drawn to piperidiny compounds and compositions.

Applicant believes the examiner's grouping inadvertently includes overlapping and omitted claims. Applicant understands the restriction requirement to require election between Group I, those claims where X = methylene [CH₂] and Group II, those claims where X = CO.


Based on this understanding, applicant elects Group I, where X = methylene [CH₂] which comprises claims 1, 3-13, 25, and 26-36. Old claims 14-24 have been replaced by claims 27-36 to place them in correct statutory form.

Applicant elects as a species to be examined, [2-(1-phenethylpiperidin-4-yl)ethyl] phenylamine, which is the second compound in the list appearing at page 7 of the English translation of the international publication.

Claim 25 stands withdrawn from consideration as being a nonstatutory "use" claim. Applicant has amended claim 25 to proper statutory form.

The Commissioner is hereby authorized to charge payment for the one month extension and additional claim (\$170) as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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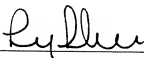
18 December 2006
Date

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 18 December 2006

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Lisa Shimizu
Person Making Deposit